

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, MARCH 7, 1994  
AT 4:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 5:05 p.m. Mayor Golding wished Council Member Vargas a happy birthday. The meeting was adjourned by Mayor Golding at 8:18 p.m to meet in Closed Session on Tuesday, March 8, 1994, at 9:00 a.m. in the twelfth floor conference room to discuss pending litigation, the Notice of Interest in a sale of Lots 5A, B, C and option on 6B in Eastgate Technology Park to Pyxis Corporation and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
  - (1) Council Member Mathis-present
  - (2) Council Member Roberts-present
  - (3) Council Member Kehoe-present
  - (4) Council Member Stevens-present
  - (5) Council Member Warden-present
  - (6) Council Member Stallings-excused by  
R-283542 (City business in Washington,  
D.C., relating to MTDB)
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-present
- Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-not present
- (5) Council Member Warden-present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Jeffery Moore of the  
Tierrasanta Christian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding "murder by suicide" a  
phrase used by Red Beckman co-author of Volume 1 of The Law  
that Never Was.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A061-087.)

ITEM-PC-2:

Comment by Peter Navarro regarding Council vacancies.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A088-128.)

ITEM-PC-3:

Comment by Gary Hill regarding plans to eliminate the City Council within a three-year span and to add two members to the Board of Supervisors.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A130-171.)

COUNCIL COMMENT:

ITEM-CC-1: REFERRED TO CITY MANAGER

Comment by Council Member McCarty regarding the question of the relocation of the fuel farm at Lindberg Field as required by Alternatives 2D2 or 2D3 which would preclude construction of Runway 1230 which is Alternative 2F. She suggested that the Port Commission look into the future growth of the airport before they make the final decision as to where to put the fuel farm.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A177-198.)

ITEM-CC-2:

Comment by Council Member Warden thanking the Mayor and Council for allowing her and her staff to attend the Sony San Diego Manufacturing Center Day held on March 3, 1994 at the Sony plant.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A199-213.)

\* ITEM-50:

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SUBJECT: Changing the name of the Property Department to the  
Real Estate Assets Department.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 2/22/94  
(Council voted 7-1. District 4 voted nay. District 7 not  
present):

(O-94-64) ADOPTED AS ORDINANCE O-18042 (New Series)

Amending Chapter II, Article 2, of the San Diego  
Municipal Code by amending Division 2, by amending  
Sections 22.0220 and 22.0221, and by repealing Sections  
22.0222, 22.0223 and 22.0224; by amending Division 7,  
Section 22.0706; by amending Division 9, by renumbering  
and amending Sections 22.0902.1 to 22.0903; by  
renumbering Section 22.0902.2 to 22.0904; and by  
amending Division 18, Section 22.1801, all relating to  
changing the name of the Property Department to the  
"Real Estate Assets Department."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND  
ADOPT ORDINANCE. Second by Stevens. Passed by the  
following vote: Mathis-yea, Roberts-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-51: TRAILED TO TUESDAY, MARCH 8, 1994

SUBJECT: Three actions related to Amendment of the Smoking  
Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt Subitem A, which was introduced as amended on 2/22/94  
(Council voted 8-0. Mayor Golding voted nay on the amendment  
regarding bingo halls; District 7 not present); and adopt  
Subitems B and C, which were introduced on 2/22/94 (Council voted  
8-0. District 7 not present):

Subitem-A: (O-94-55 REV.)

Amending the San Diego Municipal Code by re-titling Chapter IV, Article 3 to "Environmental Health Quality Controls"; by creating a new Division 10 in Chapter IV, Article 3, entitled "Smoking Regulations"; and by amending, renumbering and repealing various Sections all relating to Regulations Affecting the Smoking of Tobacco or any other Weed or Plant, to regulate smoking in restaurants, bars, places of employment, and bingo halls.

Subitem-B: (O-94-56)

Amending the San Diego Municipal Code by creating a new Division 11 in Chapter IV, Article 3, entitled "Prohibition of Tobacco Vending Machines," and by adding Sections 43.1101, 43.1102, 43.1103 and 43.1104, relating to Regulations Affecting Tobacco Vending Machines, to prohibit all tobacco vending machines effective July 1, 1994.

Subitem-C: (O-94-57)

Amending Chapter IV, Article 2, Division 1 of the San Diego Municipal Code by renumbering, amending and re-titling various Sections; by repealing the title to Division 2 of Article 5 and the title to Article 5 of Chapter IV all relating to Food Handling Activities, Smoking Regulations and Health Regulated Businesses.

NOTE: Subitem C is a housekeeping measure which is a companion to Subitem A. Subitem C can only be acted upon if Council votes to adopt Subitem A. (Subitem B can be acted upon separately.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C120-424.)

MOTION BY VARGAS TO ADOPT EVERYTHING BUT THE BINGO HALLS. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea. Motion by Vargas to include the Bingo Halls and to treat them as restaurants. Second by Roberts. Failed. Yeas-2,5,7,8. Nays-1,3,M. Not Present-4,6. Trailed to Tuesday, March 8, 1994.

\* ITEM-52:

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SUBJECT: San Diego Open Space Park Facilities District No. 1  
General Obligation Bonds (1994 Refunding).

NOTE: See Items 53 and 54 for companion items.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on  
2/22/94. (Council voted 8-0. District 7 not present):

(O-94-72 Corr. Copy)            ADOPTED AS ORDINANCE O-18043 (New  
Series)

Pledging 2/3 of the moneys paid into the Environmental  
Growth Fund to pay debt service on the 1994 Refunding  
General Obligation Bonds of the San Diego Open Space Park  
Facilities District No. 1.

NOTE: 6 votes required.

FILE LOCATION:                    MEET

COUNCIL ACTION:                    (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND  
ADOPT ORDINANCE. Second by Stevens. Passed by the  
following vote: Mathis-yea, Roberts-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

**\* ITEM-53:**

SUBJECT: City of San Diego/MTDB Joint Powers Authority 1994  
Lease Revenue Refunding Bonds.

NOTE: See Items 52 and 54 for companion items.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on  
2/22/94.(Council voted 8-0. District 7 not present):

(O-94-73 Cor. Copy)            ADOPTED AS ORDINANCE O-18044 (New  
Series)

Authorizing the execution of financing documents  
necessary for the issuance of Lease Revenue Bonds.

NOTE: 6 votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-54:

SUBJECT: 1994 Balboa Park/Mission Bay Park Capital Improvements Program Refunding Certificates of Participation.

NOTE: See Items 52 and 53 for companion items.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/22/94. (Council voted 8-0. District 7 not present):

(O-94-74) ADOPTED AS ORDINANCE O-18045 (New Series)

Authorizing the issuance and sale of not to exceed \$13 million principal amount of 1994 Balboa Park and Mission Bay Park Capital Improvements Program Refunding Certificates of Participation (the "1994 COPs") for the purpose of reducing annual lease payments; and authorizing the execution of documents necessary for the issuance of Refunding Certificates of Participation.

NOTE: 6 votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-55:

SUBJECT: Relocation of Rancho Bernardo Library.

(Rancho Bernardo Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
2/22/94. (Council voted 8-0. District 7 not present):

(O-94-65 Cor.) ADOPTED AS ORDINANCE O-18046 (New Series)

Authorizing the City Manager to execute a Declaration  
of Covenants, Conditions, Restrictions and Reciprocal  
Easement Agreement for Park Terrace Center in  
connection with the City's acquisition of Lot 9 of Park  
Terrace for construction and operation of a public  
library.

NOTE: 6 votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND  
ADOPT ORDINANCE. Second by Stevens. Passed by the  
following vote: Mathis-yea, Roberts-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

\* ITEM-56:

SUBJECT: Alcohol Ban at La Jolla Community Park and Recreation  
Center. (See City Manager Report CMR-94-26. La Jolla  
Community Area. District-1.)

PUBLIC FACILITIES AND RECREATION COMMITTEE'S RECOMMENDATION:

On 2/16/94, PF&R voted 5-0 to recommend introduction of the  
following ordinance (Councilmembers Mathis, Kehoe, Warden,  
Stallings & McCarty voted yea):

(O-94-69) INTRODUCED, TO BE ADOPTED MARCH 21, 1994



Introduction of an Ordinance amending Chapter V, Article 6, of the San Diego Municipal Code, by amending Section 56.54, relating to a Ban on Alcoholic Beverage Consumption, to include the La Jolla Community Park and Recreation Center.

CITY MANAGER'S RECOMMENDATION TO PF&R:

Amend the San Diego Municipal Code to include the La Jolla Community Park and Recreation Center.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO INTRODUCE. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-100:

SUBJECT: Extension of Contract for Providing Fusees (Flares).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1033) ADOPTED AS RESOLUTION R-283479

Extending the contract with Standard Fusees Corporation (Morgan Hill, CA) for providing fusees (flares), as may be required for an additional one year option beginning January 29, 1994 through January 13, 1995, which was authorized by Resolution R-279443, adopted on 2/14/92, for a total estimated cost of \$114,805, including tax. (BID-H2983/92)

FILE LOCATION: CONT - Purchase - Standard Fusees Corporation (Morgan Hill, CA)  
CONTFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-not present,

McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101:

SUBJECT: Inviting bids for the Construction of Water and Sewer  
Main Replacement Group 504. (Ocean Beach Community  
Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-997) ADOPTED AS RESOLUTION R-283480

Inviting bids for the Construction of Water and Sewer  
Main Replacement Group 504 on Work Order No.  
172571/181271; Authorizing the execution of a contract  
with the lowest responsible bidder; Authorizing the  
expenditure of \$297,975 from Sewer Revenue Fund 41506,  
CIP-44-001, and \$1,509,764 from Water Revenue Fund  
41500, CIP-73-083. (BID-K94099)

Subitem-B: (R-94-998) ADOPTED AS RESOLUTION R-283481

Authorizing the use of City Forces to isolate, make  
connections to the existing water system, perform  
construction operations and televise the sewer mains;  
declaring that the cost of the work shall not exceed  
\$202,620.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Replacement Group 504 is part of the City's on  
going Cast Iron Water and Concrete Sewer Main Replacement  
Program. The water and sewer mains to be replaced in this  
project are well over fifty years old and have reached their  
useful service life. Replacement of these deteriorated water and  
sewer mains will continue to provide the community with a safe  
and reliable water and sewer infrastructure well into the next  
century. This project is in the Ocean Beach community area and  
consists of replacing approximately 7,500 lineal feet of 8-inch  
water main, 4,000 lineal feet of 12-inch water main, 1,900 lineal  
feet of 8-inch sewer main, and 11 manholes. The following  
streets will be affected by construction operations: Santa Cruz  
Avenue, Guizot Street, Santa Barbara Street, Narragansett Avenue,  
and Niagara Avenue. Residents will be notified by mail at least  
one month before construction by the Water Utilities Systems

Division and ten days before construction by the contractor. Traffic control plans have been prepared for this project and will be implemented into the construction operations.

Aud. Cert. 9400729.

WU-P-94-080.

FILE LOCATION: W.O. 172571/181271 CONT - Dietrich  
Corporation CONFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-102:

SUBJECT: Improvement of Alley Block 3, Fortuna Park Second  
Addition, Map-895.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1195) ADOPTED AS RESOLUTION R-283482

Granting the petition for the improvement of Alley  
Block 3, Fortuna Park Second Addition, Map-895, under  
the provisions of the Improvement Act of 1911;  
Directing the City Manager to prepare plans,  
specifications and estimates and furnish a description  
of the district to be included in the assessment for  
the work and improvements.

CITY MANAGER SUPPORTING INFORMATION:

The City has received a petition from property owners who are interested in improving their alley through the formation of an assessment district under the provisions of the Improvement Act of 1911, which provides the means to install public improvements with the cost assessed to the benefitting property owners. The improvements would consist of grading and paving the alley, as

well as drainage improvements. As required in these proceedings, a petition for this improvement was circulated and signed by the owners of 61 percent of the property area involved. In addition to the petition, 9 percent of the area involved has signed a 1911 Act waiver of protest for alley improvements as a condition of approval of a building permit. In accordance with assessment rules and regulations, this results in a total of 70 percent of the property owners in favor of establishing the district.

FILE LOCATION: STRT D-2298

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103:

SUBJECT: Vacating the Excess Portion of Amiford Drive north of  
Stafford Place.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1141) ADOPTED AS RESOLUTION R-283483

Vacating the excess portion of Amiford Drive north of  
Stafford Place under the procedure for the summary  
vacation of streets.

CITY MANAGER SUPPORTING INFORMATION:

The proposed vacation has been requested by the applicant to eliminate the necessity for a setback variance and encroachment permit for an existing structure partially located in the public right-of-way. Amiford Drive was originally designed to be a cul-de-sac. The later extension of Amiford Drive created the excess right-of-way to be vacated by this action. The subject vacation is located in the Peninsula Community Plan area and is situated in the R1-5000 Zone and the Coastal Zone. The area-of-vacation totals approximately 950 square feet. The Planning Department and the Peninsula Community Planning Group

have no objections to the vacation. The area-of-vacation will provide additional acreage that would increase the residential entitlement of the abutting property by one unit. However, no increase in density is anticipated. Any proposed development for this property which proposes a second unit will require approval of a discretionary permit.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the adopted community plan, and Council Policy 600-15 and may be summarily vacated. The excess right-of-way is not required for present or prospective public use, and the facilities for which it was originally acquired will not be detrimentally affected. The public will benefit from this vacation through improved utilization of the land and relieving the City of maintenance and liability responsibilities.

FILE LOCATION: STRT J-2801; DEED F-6244 DEEDFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104:

SUBJECT: Vacating Excess Portions of Beech Street, Eighth  
Avenue, and Ninth Avenue.

(Centre City Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1202) ADOPTED AS RESOLUTION R-283484

Vacating the northerly excess portion of Beech Street,  
between Seventh Avenue and Ninth Avenue, excess  
portions of Eighth Avenue between Beech Street and  
Cedar Street, and the westerly excess portion of Ninth  
Avenue between Beach Street and Cedar Street, under the  
procedure for the summary vacation of streets.

CITY MANAGER SUPPORTING INFORMATION:

The applicant has requested the proposed vacation in order to accommodate the redevelopment of portions of two blocks within the Cortez Hill area of Centre City. This request has the support of the Centre City Development Corporation (CCDC) and is in accordance with their overall redevelopment plan for the area. The area-of-vacation totals 8,230 square feet (0.19 acres). The applicant proposes to utilize the area-of-vacation to accommodate conversion of several existing structures comprised of satellite hotel suites from the El Cortez Hotel to residential condominium use. The Planning Department and CCDC have no objection to the proposed vacation. The area proposed for vacation consists of excess rights-of-way which will be surplus to City requirements upon reconstruction of the existing street improvements. The area-of-vacation contains franchise facilities which are to remain in place upon vacation of the rights-of-way. Easements will be reserved to accommodate these facilities. As a condition to the vacation, reconstruction of the street improvements must be provided that will maintain a minimum ten-foot curb-to-property-line distance.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the adopted community plan, and Council Policy 600-15 and may be summarily vacated. The excess rights-of-way are not required for present or prospective public use, and the facilities for which they were originally acquired will not be detrimentally affected. The public will benefit from this vacation through improved utilization of the land and relieving the City of maintenance and liability responsibilities.

FILE LOCATION: STRT J-2802; DEED F-6245 DEEDFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105:

SUBJECT: Three actions related to Street Reservation - Imperial Avenue.

(Located southwesterly of Imperial Avenue and Valencia Parkway. Valencia Park Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-1209) ADOPTED AS RESOLUTION R-283485

Accepting a grant deed of St. Stephen's Retirement Center, Inc., granting to the City a street easement in Lot 16 of the Partition Map of a portion of Rancho Mission of San Diego, Map-330, for the potential future improvement of Imperial Avenue; Reserving the right at any time in the future to officially accept the easement for public street purposes and to adopt a resolution formally accepting the easement and dedicating the property to public street use.

Subitem-B: (R-94-1210) ADOPTED AS RESOLUTION R-283486

Authorizing the execution of a quitclaim deed with St. Stephen's Retirement Center, Inc., effecting the re-vestment of abutter's rights of access to Imperial Avenue of Lot 16, Map-330, a portion of Rancho Mission of San Diego; Accepting a grant deed of St. Stephen's Retirement Center, Inc., relinquishing to the City abutters' rights of access in and to Imperial Avenue and Valencia Parkway from a portion of Lot 16, Map-330, a portion of Rancho Mission of San Diego.

Subitem-C: (R-94-1211) ADOPTED AS RESOLUTION R-283487

Stating for the record that Negative Declaration DEP-90-0451 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City as Lead Agency; that the information contained in the report, including any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of future improvement of Imperial Avenue.

FILE LOCATION: DEED F-6246 DEEDFY94-2

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-106:

SUBJECT: Exclusive Sale of the West Half of City-Owned Site 409.

(Lincoln Park Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1189) ADOPTED AS RESOLUTION R-283488

Authorizing the sale by negotiation of the west half of Site 409, being Lot 24, in Block "L" of Tract No. 2 of Alta Vista Suburb, Map-1029, for the sum of \$7,550 to Edwin P. Rodriguez and Irma Y. Rodriguez;

Authorizing the execution of a grant deed, granting to Edwin P. Rodriguez and Irma Y. Rodriguez said property; Determining that no broker's commission shall be paid by the City on the negotiated sale.

CITY MANAGER SUPPORTING INFORMATION:

Site 409 consists of two small vacant residential lots on Ocean View Boulevard between 49th and Gloria Streets. The site was originally acquired for a street widening but is no longer needed for that purpose, and the City Council subsequently designated the property for sale. Both lots are very narrow, making independent development impractical, so the two lots were offered to the respective adjacent owners. One of the adjacent owners, Mr. Rodriguez, is interested in buying the westerly lot adjacent to his property. A City staff appraisal determined the fair market value of the westerly lot to be \$7,550. The proposed sale will be a cash transaction with Mr. Rodriguez paying all title and escrow costs.

FILE LOCATION: DEED F-6247 DEEDFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-107:

SUBJECT: Dedication of a Pedestrian and Non-Motor Vehicle



Right-of-Way - Springhurst Drive.

(Located on the east side of Springhurst Drive, south of Sabre Springs Parkway. Sabre Springs Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1159) ADOPTED AS RESOLUTION R-283489

Accepting the grant deed of Pardee Construction Company, granting to the City an easement for a pedestrian and non-motor vehicle right-of-way in Lot 98 of South Creek Parcels 35-48, Units 1 and 2, Map-12562; dedicating the land as and for a pedestrian and non-motor vehicle right-of-way.

FILE LOCATION: DEED F-6248 DEEDFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-108:

SUBJECT: Edith Lyle Anderson Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-94-1226) ADOPTED AS RESOLUTION R-283490

Proclaiming February 26, 1994 to be "Edith Lyle Anderson Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea,

Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-109:

SUBJECT: Sony Manufacturing Center of San Diego Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1244) ADOPTED AS RESOLUTION R-283491

Proclaiming Thursday, March 3, 1994 to be "Sony San  
Diego Manufacturing Center Day" in San Diego and  
recognizing the outstanding commitment that Sony has  
shown to the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-110:

SUBJECT: Ratifying the Election Results of February 8, 1994, for  
the North Park Project Area Committee. (Greater North  
Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1228) ADOPTED AS RESOLUTION R-283492

Ratifying the Election Results of February 8, 1994, for  
the North Park Project Area Committee.

CITY MANAGER SUPPORTING INFORMATION:

An initial election to form the fifteen member North Park Project

Area Committee (PAC) was conducted December 18, 1990. The election results were ratified by the City Council on January 15, 1991, establishing the North Park PAC. Since project implementation could potentially result in the displacement of low and/or moderate income residents, the PAC will review the proposed redevelopment plan, including the related documents and advise the Redevelopment Agency of the Plan's impact on low and moderate income persons. In accordance with the North Park PAC Bylaws, an election was held February 8, 1994 to fill vacant seats among the four categories of the PAC. As a result of the election, six members were elected. The names and categories represented by the six elected members nominated for ratification by the City Council are as follows: Residential Owner-Occupant: Dave Lange and Don Leighlting. Residential Tenant: Ralph E. Dilts.

Business/Property Owner: Britt M. Lundburg.  
Community Organization Representative: Karsten Gjemre and Maria Sosa. Following the Council's ratification of the election results of February 8, 1994, seven vacant seats will remain on the PAC. The Redevelopment Program Staff, in concert with the North Park Project Area Committee, will undertake efforts to fill the remaining vacancies through additional community outreach and future elections.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-111:

SUBJECT: Revision to the San Diego Jack Murphy Stadium Fee  
Schedule.

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1187) ADOPTED AS RESOLUTION R-283493

Approving the revisions to the fee schedule for Stadium Parking Lot Events, Plaza/Concourse Events, and Cable Television Fees for San Diego Jack Murphy Stadium;  
Directing the City Manager to implement the new rates on July 1, 1994, and July 1, 1995, and July 1, 1996.

CITY MANAGER SUPPORTING INFORMATION:

It is recommended that fees for Stadium Parking Lot events, Plaza/Concourse Events, and Television Cable Fees be increased annually for three consecutive years beginning on July 1, 1994. The Stadium's current fees for Parking Lot events, ranging from \$600 to \$1,500 per day, are far less than fees being charged at other southern California venues. It is proposed that these fees be increased to a range of \$750 to \$3,000 per day by July 1, 1996. The major increases will be for commercial events, and non-profit events will increase slightly in 1995. It is Stadium practice that fees for Plaza/Concourse events always be higher than those for Parking Lot events. Accordingly, it is proposed that Plaza/Concourse fees also be increased over a 3-year period from the current \$1,500 to \$2,000 per day, to \$2,000 to \$3,500 per day. It is also recommended that Television Cable Hookup Fees be increased \$50 per year for three consecutive years. Fees would increase from the current \$300 for the first day and \$200 for each additional day, to \$400 and \$250 per day. Most of these fees were last increased in January, 1992, except that some of the Parking Lot fees have not been increased since July, 1988.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-112:

SUBJECT: Two actions related to Revisions to Sewer And Water Group 84.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-1204) ADOPTED AS RESOLUTION R-283494

Authorizing the expenditure of \$50,000 from Water Revenue Fund 41500, Water Construction Outlay 70592, CIP-73-083.0, for revisions to Sewer and Water Group 84 and related costs; Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-94-1206) ADOPTED AS RESOLUTION R-283495

Authorizing the use of City Forces to make connections and perform operational checks; declaring that the cost of the work shall not exceed \$12,927.10.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Replacement Group 84 was authorized by the City Council, on October 7, 1991, to upgrade the water and sewer systems in the La Jolla Community Area. Dietrich Corporation (San Diego), the low bidder for this job, has nearly completed the construction work on this project. During construction, work not anticipated in the original project scope was encountered. The additional work consists of: 1) water service extensions not included in the bid document; 2) hazardous materials encountered within the trenching area which resulted in additional lab testing and special investigation by Waste Management; 3) City Forces cost was in excess of the total budgeted amount; and 4) additional inspection to cover the various sites that were simultaneously under construction. This action is to request transferring an amount not to exceed \$50,000 to cover the additional cost of the unanticipated work. It is more cost effective to use City Forces in this contract.

Aud. Cert. 9400921.

WU-94-017.

FILE LOCATION: CONT - Dietrich Corporation (San Diego)  
CONFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-113:

SUBJECT: Balboa Park East Mesa Precise Plan.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1199) ADOPTED AS RESOLUTION R-283496

Authorizing the expenditure of not to exceed \$50,000 from CIP-21-836.4, Balboa Park East Mesa Precise Plan, a sublet project of Balboa Park/Mission Bay Park Requirements, CIP-21-834.0, for staff charges and miscellaneous costs.

CITY MANAGER SUPPORTING INFORMATION:

City Council authorized \$229,853 for consultant services and \$20,147 for other project costs on December 10, 1990 per Resolution R-277032. During the two year planning process, project administration costs and miscellaneous expenses have amounted to \$65,487. Project administration includes project management, public outreach and environmental review; miscellaneous expenses include additional in-house technical studies and document printing. The East Mesa Precise Plan is now complete, and \$50,000 is required to satisfy expenditures to date plus anticipated costs associated with close out of the project.

Aud. Cert. 9400786.

FILE LOCATION: LAND - Balboa Park East Mesa Precise Plan

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-114:

**Minutes of the Council of the City of San Diego  
for the Regular Meeting of Monday, March 7, 1994**

**Page 23**

SUBJECT: Payment for Outside Counsel in the Matter of Associated General Contractors v. the City of San Diego.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1006) ADOPTED AS RESOLUTION R-283497

Authorizing the City Manager to pay the sum of \$28,528.53 for professional services and disbursements incurred through December 15, 1993 in the case of Associated General Contractors v. the City of San Diego, United States District Court Case No. 93-1152-K (POR), from Public Liability Fund No. 81140, Object Account No. 4824, Job Order No. 081141 and from Water Revenue Fund No. 41500, Object Account No. 4824, Job Order No. 6141; Authorizing the Auditor and Comptroller to issue one check in the amount of \$28,528.53, made payable to McCutchen, Doyle, Brown & Enersen, for professional services and disbursements incurred in the litigation.

Aud. Cert. 9400733.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-115:

SUBJECT: Additional Financing for Dailard Park Development.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1200) ADOPTED AS RESOLUTION R-283498

Authorizing the City Auditor to transfer amounts not to exceed \$84,174 from CIP-29-603.0, Annual Allocation -

Park Irrigation System Upgrades, Capital Outlay Other Fund No. 302453, and \$18,826 from CIP-20-001.0, Annual Allocation - Minor Park Requirements, Capital Outlay Other Fund No. 302453, both to CIP-29-646.0, Dailard Park Development; Authorizing the expenditure of an amount not to exceed \$103,000 from CIP-29-646.0, Dailard Park Development, Capital Outlay Other Fund No. 302453, to supplement the funding previously authorized by Resolution R-280499.

CITY MANAGER SUPPORTING INFORMATION:

Dailard Neighborhood Park is located at 6435 Cibola Road between Laurelridge Road and Cabaret Street in the Navajo Community Planning Area. Construction of Phase I began in October of 1992. The Park Service District (PSD) funding originally authorized for this project, as certified by the City Auditor, was not available for expenditure. This request for funding is required to compensate for the PSD funds which were authorized but not available. The funding is required to pay for change order costs associated with health and safety issues, and survey and inspection costs necessary due to changes and delays in the contract time and scope.

Aud. Cert. 9400775.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-116:

SUBJECT: Police Hiring Supplement Program Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1196) ADOPTED AS RESOLUTION R-283499

Authorizing the City Manager to apply for, accept and expend a Police Hiring Supplement grant from the United



States Department of Justice, Bureau of Justice Assistance, for the purpose of hiring additional police officers and augmenting community policing.

CITY MANAGER SUPPORTING INFORMATION:

As the first installment of President Clinton's plan to augment police officer strength nationwide, the U.S. Department of Justice (via the Bureau of Justice Assistance) has solicited proposals for Police Hiring Supplement funds. Based on population, the City of San Diego is eligible to apply for, and has submitted an application requesting, funding for a maximum of 40 new officers, at \$25,000 per year/per new officer, for three years per officer, beginning at the time each new officer is sworn in. Funds provided under this program must be used to expand Community Policing by assigning experienced officers to Community Policing as newly-hired officers assume patrol duties.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-117:

SUBJECT: Lease Agreement with Loma Vista Partners for a Police Community Relations Office.

(Chollas View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1201) ADOPTED AS RESOLUTION R-283500

Authorizing the execution of a three-year lease agreement with two one-year options, with Loma Vista Partners, for a 1,000 square-foot Police Community Relations Office at 4690 Market Street, Suite D-20, at an initial monthly rental of \$1,000; Authorizing the expenditure of not to exceed \$4,000 from Fund 100, Dept. 110, Org. 485, Object Account 4682, Job Order

1114, for the period of March 1, 1994 to June 30, 1994.

CITY MANAGER SUPPORTING INFORMATION:

In 1987 the Police Department established a Community Relations Office at 1535 Euclid Avenue to serve the community. The current lease agreement for this office terminated June 30 and is now on month to month holdover. The Police Department proposes to relocate its office to 4690 Market Street. The new location is a prime suite within a retail center and the office will be more visible to both pedestrians and motorists. A summary of the agreement is as follows:

Location:	4690 Market Street, Suite D-20
Size:	1,000 square feet
Term:	Three Years with two one-year options
Rent:	\$1,000 per month (\$1.00 per square foot)

Inclusive of all utilities. Monthly rental rate subject to a 3.5 percent increase on the 19th month and at commencement of the first option term. The rental rate is competitive for comparable property in the area.

Aud. Cert. 9400844.

FILE LOCATION: LEAS - Loma Vista Partners LEASFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-118:

SUBJECT: Agreement with San Dieguito River Valley Regional Open  
Space Park Joint Powers Authority to Design the Lake  
Hodges Bikeway Access Project.

(Rancho Bernardo/San Pasqual - Lake Hodges Community  
Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1139) ADOPTED AS RESOLUTION R-283501

Authorizing an agreement with San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA), for the purpose of passing through grant funds received from SANDAG in TransNet/TDA funds to the JPA to prepare construction plans, specifications, and estimates for the Lake Hodges Bikeway Access Project.

CITY MANAGER SUPPORTING INFORMATION:

This action will transfer \$100,000 of SANDAG funds to the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA), for the design of the Lake Hodges Bikeway Access Project. The San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) has approved Resolution 92-5 which requested that SANDAG add bicycle path alignments crossing Lake Hodges north/south and east/west in the vicinity of Interstate 15 to the Transportation Improvement Program and to the list of projects to be funded with that year's bicycle grant funds, and requested the City of San Diego to apply for TransNet funding from SANDAG on behalf of the JPA and pass through the funds to the JPA which would manage the project. The SANDAG Board subsequently approved a \$100,000 TransNet Grant to the City of San Diego for engineering and construction design of a freestanding pedestrian/bicycle bridge west of I-15 at Lake Hodges, and trail crossings under the freeway on the north and south shores of Lake Hodges.

Aud. Cert. 9400766.

FILE LOCATION: MEET CONFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-119:

SUBJECT: Agreement with the County of San Diego to Purchase  
Tax-Defaulted Property for Open Space Purposes.

(Normal Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1143) ADOPTED AS RESOLUTION R-283502

Authorizing an Agreement to Purchase Tax-Defaulted Property with the County of San Diego, affecting a portion of Villa Lot 48 of Normal Heights, Map-985; Authorizing the expenditure of not to exceed \$85,000 from Fund 79103, Org. 101, Object Account 4638, Job Order 028307, for acquisition of the property.

CITY MANAGER SUPPORTING INFORMATION:

The County of San Diego has given the City of San Diego the opportunity to purchase a tax-defaulted parcel located south of Camino Del Rio South, east of I-805, north of North Mountain View Drive, east and west of Cliff Place cul-de-sac in the Normal Heights area. This is a 13.45 acre parcel and is a portion of Mission Valley Hillside D, and is Number 42 in Category B on the Council's adopted Open Space Retention list.

Aud. Cert. 9400774.

FILE LOCATION: MEET CONFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-120:

SUBJECT: Agreement with V & A Consulting Engineers, Inc. for the Concrete Restoration Project at the Point Loma Wastewater Treatment Plant.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1220) ADOPTED AS RESOLUTION R-283503

Authorizing an agreement with V & A Consulting Engineers, Inc. (San Diego), for professional services required for the concrete restoration project at the Point Loma Wastewater Treatment Plant; Authorizing the expenditure of not to exceed \$180,068 from Sewer Revenue Fund No. 41508, Metro Point Loma Plant Maintenance 70235, Miscellaneous Contractual Service Object Account 4222.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with V & A Consulting Engineers, Inc. will provide the professional services required for the design of the Concrete Restoration Project at the Point Loma Wastewater Treatment Plant. Plant facilities that will be restored include the interior surfaces of Sedimentation Basins 1 through 8 and the Parshall Flume Channels. The proposed consultant was selected in accordance with Council Policy 300-7. Professional services for the project were advertised in the San Diego Daily Transcript. The City's Consultant Nominating Committee received six letters of interest from prospective consultants and all firms were interviewed. The City Manager received recommendations from WUD and selected V & A Consulting Engineers, Inc. as the consultant for this project.

Aud. Cert. 9400814.

FILE LOCATION: MEET CCONTFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-121:

SUBJECT: Appointments to the Citizens Equal Opportunity  
Commission. (See memorandum from Mayor Golding dated  
2/17/94 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1235 Rev.) ADOPTED AS AMENDED AS RESOLUTION

R-283504

Council confirmation of the following appointments by the Mayor to serve as members of the Citizens Equal Opportunity Commission, for two-year terms ending January 1, 1996: Christopher J. Crotty (to replace Deborah Davis, whose term has expired) Rebecca Michael (to replace Beverly S. Schneider, whose term has expired) John P. Kennedy (to replace Cindy Green, whose term has expired) Randall B. Hamud (to replace Dora E. Ortega, whose term has expired) Waiving the residency requirements for John P. Kennedy pursuant to Council Policy 000-13.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

Mayor Golding announced that John P. Kennedy has withdrawn his appointment.

CONSENT MOTION BY WARDEN TO ADOPT AS AMENDED TO WITHDRAW THE APPOINTMENT OF JOHN P. KENNEDY AT HIS REQUEST. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-122:

SUBJECT: Appointment to the Funds Commission.

(See memorandum from Mayor Golding dated 2/17/94 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1234) ADOPTED AS RESOLUTION R-283505

Council confirmation of the appointment by the Mayor of Murray L. Galinson, to serve as a member of the Funds Commission, for a term ending January 28, 1996, to replace Donald McGrath III, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-123:

SUBJECT: Appointment to the Human Relations Commission.

(See memorandum from Mayor Golding dated 2/18/94  
with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1233) ADOPTED AS RESOLUTION R-283506

Council confirmation of the appointment by the Mayor of  
Jesus Ernesto Corrales, to serve as a member of the  
Human Relations Commission, for a term ending July 22,  
1997, replacing Mariaelena L. Ochoa, whose term has  
expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-124:

SUBJECT: Appointment to the Commission on the Status of Women.

(See memorandum from Mayor Golding dated 2/23/94 with  
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1232) ADOPTED AS RESOLUTION R-283507

Council confirmation of the appointment by the Mayor of Yolanda A. Mendoza, to serve as a member of the Commission on the Status of Women, for a term ending March 1, 1996, to replace Maria Velasquez, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-125:

SUBJECT: Agreement for Consultant Services regarding the Government Office Space Task Force's Final Report. (See City Manager Report CMR-94-48.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1194) ADOPTED AS RESOLUTION R-283508

Authorizing the execution of an agreement with ConAm Economic Research for consultant services to conduct the following two studies:

1. Validation of construction cost estimates provided in the Government Office Space Task Force's Final Report regarding a proposed new Civic Center Facility. 2. Condition assessment of the City Administration Building and an estimate of the costs required to correct building deficiencies. Authorizing the expenditure of not to exceed \$15,000 from General Fund Unallocated Reserve 100, Department No. 605, Account No. 4947, Program Element No. 605.

Aud. Cert. 9400826.

FILE LOCATION: MEET CCONFY94-1



COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-126:

SUBJECT: Privatization of Montgomery Field.

(See City Manager Report CMR-94-33. Clairemont Mesa,  
Navajo, and Serra Mesa Community Areas. Districts-5, 6  
and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1183) ADOPTED AS RESOLUTION R-283509

Directing the City Manager to not pursue diversion of  
revenues from Montgomery Field to the General Fund;  
Including the issue of privatization as part of the  
City's overall competitivization program; Approving the  
shortlist of three management companies, as recommended  
by the review committee; Continuing the Request for  
Proposal (RFP) development process so that the RFP will  
be submitted for approval to the Public Facilities and  
Recreation Committee immediately after a  
Competitivization Policy is adopted by the City  
Council.

OTHER RECOMMENDATIONS:

Public Facilities and Recreation Committee's Recommendation:  
On 2/16/94 PFR voted 5-0 to approve the City Manager's  
recommendation with the added stipulation that City staff be  
allowed to compete as a potential provider. (Councilmembers  
Mathis, Kehoe, Warden, Stallings and McCarty voted yea).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E226-390.)

MOTION BY STEVENS TO ADOPT. Second by Mathis. Passed by  
the following vote: Mathis-yea, Roberts-yea, Kehoe-yea,

Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea,  
Vargas-nay, Mayor Golding-yea.

\* ITEM-127:

SUBJECT: Second Amendment to the Agreement with Ogden  
Environmental and Energy Services Company for  
Consulting Services on the Multiple Species  
Conservation Program.

(See City Manager Report CMR-94-56.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1243) ADOPTED AS RESOLUTION R-283510

Authorizing the execution of a second amendment to the agreement with Ogden Environmental and Energy Services Company for professional services in connection with the Multiple Species Conservation Program; Authorizing the City Manager to accept from the following sources the following amounts totaling \$255,000: 1) \$150,000 from the San Diego Association of Governments from funds distributed by the San Diego County Regional Transportation Commission; 2) \$30,000 from the California Department of Transportation; 3) \$75,000 from the San Diego County Water Authority, all to be deposited in Metropolitan Wastewater Department (Clean Water Program) Fund 41509, CIP-45-910.3, Program Planning and Studies; Amending the Metropolitan Wastewater Department (Clean Water Program) Fiscal Year 1994 Capital Improvement Program budget by increasing the amount in CIP-45-910.3, Program Planning and Studies, from \$7,896,973 to \$8,061,973; Authorizing the Auditor and Comptroller to transfer not to exceed \$228,000 within the Metropolitan Wastewater Department (Clean Water Program) Fund 41509, from CIP-40-920.0, Rose Canyon Trunk Sewer, to CIP-45-910.3, Program Planning and Studies; Authorizing the expenditure of not to exceed \$631,000 from Metropolitan Wastewater Department Fund 41509, CIP-45-910.3, Program Planning and Studies, for the purpose of providing funds for the second amendment to the Ogden Agreement.

Aud. Cert. 9400857. WU-CWP-94-119.

FILE LOCATION: MEET CCONFY94-1

COUNCIL ACTION: (Tape location: A215-275.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Contract for Predicate/Disparity Study.

(See City Manager Report CMR-94-51.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1227) ADOPTED AS RESOLUTION R-283511

Authorizing the execution of an agreement with  
DEGA/TMS, a joint venture of Darryl E. Greene and  
Associates, P.C. (Los Angeles), and Triaxial Management  
Services, Inc. (San Diego), for a predicate study of  
the utilization of Minority/Women Business Enterprises  
(including a study of the utilization of Disabled and  
Local Business Enterprises); Authorizing the City  
Auditor and Comptroller to transfer an amount not to  
exceed \$197,594 within the Clean Water Program Fund  
41509 from CIP-45-910.2, Clean Water Program Predesign  
and Engineering Support to the MWWO Operation and  
Maintenance Fund 41509 (Prog. Rel. 70731); Authorizing  
the expenditure of not to exceed \$499,900 for the above  
project.

Aud. Cert. 9400850.

FILE LOCATION: MEET CCONFY94-1

COUNCIL ACTION: (Tape location: A291-451.)

MOTION BY STEVENS TO ADOPT. Second by Vargas. Passed by  
the following vote: Mathis-yea, Roberts-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-not present, McCarty-nay,  
Vargas-yea, Mayor Golding-yea.

ITEM-201: REFERRED TO CITY MANAGER FOR REFERRAL TO THE  
DISPARITY STUDY CONSULTANT SUBJECT: Proposal for  
an "Interim" Equal Opportunity Contracting  
Program. (See City Manager Report CMR-94-49.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-94-1224)

Authorizing the City Manager to execute the Manager's  
Interim Equal Opportunity Contracting Program for the  
City's public works contracts, purchasing of supplies  
and hiring of consultants in accordance with San Diego  
City Charter Sections 35, 94 and 100, until the  
disparity study by DEGA/TMS is complete and a new  
program is proposed.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution and: 1) Direct the City Manager to implement  
the recommendations for an Interim Equal Opportunity (EO) Program  
that can be accomplished within the current budgetary resources,  
such as: a. Contract Sizing/Packaging b. Support Private  
Sector/Industry Relationships with MBE/WBES c. Outreach  
Activities d. City Staff Support e. Federally-funded Projects  
f. City Charter Changes g. Equal Employment Opportunity  
Program; 2) Direct the City Manager to return to Council within  
75 days with a developed plan for delivering those elements of  
the Interim Plan that require additional funding, such as: a.  
Bonding and Insurance Measures b. Capital Assistance Measures  
c. Technical Assistance Measures

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-B549.)

Motion by Vargas to continue for 30 days to allow the groups  
to come together with a program that works. Accept Council  
Member Kehoe's amendment to the motion to reconvene a Blue  
Ribbon Committee, similar to the task force using people  
that have an in-depth knowledge of the City of San Diego and  
are familiar with the City government, the contracting  
program, and the issues that we need to deal with such as  
Civil Service, EEOC, the budget and the City Charter.  
Second by McCarty. Failed. Yeas-3,5,7,8. Nays-1,2,4,M.

Not present-6.

MOTION BY ROBERTS TO ACCEPT THE CITY MANAGER'S REPORT AND ITS AMENDMENTS ALONG WITH OTHER RECOMMENDATIONS FOR THE PURPOSE OF REFERRING IT TO THE DISPARITY STUDY CONSULTANTS FOR THEIR REVIEW AND RECOMMENDATIONS TO THE COUNCIL; REFER THE MBE/WBE PROGRAM TASK FORCE'S FINAL REPORT AND RECOMMENDATIONS IN CITY MANAGER REPORT NO. 93-71 TO THE DISPARITY STUDY CONSULTANTS FOR THEIR REVIEW AND RECOMMENDATIONS TO THE COUNCIL IN CONJUNCTION WITH A DEVELOPMENT OF AN INTERIM PROGRAM. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Tasking DEGA/TMS to develop an Interim Equal Opportunity Contracting Program.

(See City Manager Report CMR-94-52.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-94-1231) ADOPTED AS RESOLUTION R-283512

Authorizing the execution of a first amendment to the Disparity Study Agreement with DEGA/TMS, to include a scope of work to develop an Interim Equal Opportunity Contracting Program; Authorizing the City Auditor and Comptroller to expend not to exceed \$50,000 to prepare an Interim Equal Opportunity Program.

CITY MANAGER'S RECOMMENDATION:

Do not adopt the Resolution.

Aud. Cert. 9400851.

FILE LOCATION: MEET CCONFY94-1

COUNCIL ACTION: (Tape location: A468-B010; B552-C106.)

MOTION BY ROBERTS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea,

Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Declaring a Continued State of Emergency regarding the  
Discharge of Raw Sewage from Tijuana, Mexico.

(San Ysidro and Tijuana River Valley Community Areas.  
District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1140)

ADOPTED AS RESOLUTION R-283513

Declaring a continued State of Emergency to persist  
regarding the discharge of raw sewage from Tijuana,  
Mexico.

CITY MANAGER SUPPORTING INFORMATION:

For over 50 years, renegade raw sewage flows from Tijuana, Mexico have flowed across the international border in the Tijuana River into the United States. These flows have impacted the health and safety of San Diego residents. The permanent solution to this border situation is the construction of the proposed International Treatment Plant by the federal government. This plant is expected to be operational by 1998 and will treat raw sewage from Mexico. In the interim, until the international plant is constructed, the City in 1991, agreed to accept and treat 13 million gallons per day of Tijuana sewage in the Metropolitan Sewerage System. The amount of flow that the City can accept is limited due to the capacity of the emergency connection. Due to increased water availability and usage in Tijuana, raw sewage flows to the Tijuana River have increased. These flows are beyond the capacity that can be handled by the Mexican treatment system and the emergency connection. These increased flows threaten the health, safety and welfare of the citizens of San Diego. The continued declaration of emergency will enable the City to assist state and federal agencies in expediting the treatment of this international sewage. The government code requires the local governing body to review a State of Emergency every 14 days until the local emergency is declared terminated. This action requests the continuation of the State of Emergency declared by City Council on September 7,

1993 and authorization for the City Manager to execute all necessary contracts for the diversion, treatment, and disposal of international raw sewage.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C109-119.)

MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400:

SUBJECT: An amendment to the Framework Plan for the North City Future Urbanizing Area (NCFUA) and the Progress Guide and General Plan, and approval of ballot language for a Phase Shift measure. (FUA-35-0364. District-1.) (Subitems A and B were continued from the meeting of March 1, 1994, Item 330; Subitem C was continued from the meeting of March 1, 1994, Item 331, Subitem A-2.)

Subitem-A: (R-94-1150) ADOPTED AS RESOLUTION R-283514

Adoption of a Resolution certifying that the information contained in Addendum DEP-94-0073 to Environmental Impact Report DEP-91-0809 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the report has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-94-1149 Cor.Copy) ADOPTED AS RESOLUTION  
R-283515

Adoption of a Resolution amending the North City Future Urbanizing Area Framework Plan and the Progress Guide and General Plan.

Subitem-C: APPROVED AS AMENDED

Approval of ballot language for a Phase Shift measure for the North City Future Urbanizing Area for the June 7, 1994 ballot. (See Item S402 for a companion item.)

CITY MANAGER'S RECOMMENDATION:

The City Manager recommends adoption of Subitems A and B, contingent upon the adoption of ballot language which provides an adequate substitute for subarea plans. For recommendations on Subitem C, refer to the City Manager's memo dated 2/25/94.

FILE LOCATION: Subitems A, B, C: LAND - Progress Guide  
and General Plan-North City Future  
urbanizing area

COUNCIL ACTION: (Tape location: C428-D290.)

Hearing began at 7:18 p.m. and halted at 7:47 p.m.

MOTION BY MATHIS TO ADOPT THE ACTIONS DESCRIBED IN SUBITEMS A, B, AND C AS AMENDED TO INCLUDE IN SUBITEM C THE SUBSTITUTE LANGUAGE IN SECTION 10 ENTITLED "PROTECTIONS FOR CONTIGUOUS COMMUNITIES" AS READ INTO THE RECORD BY COUNCIL MEMBER WARDEN AS STATED BELOW: SECTION 10. PROTECTIONS FOR CONTIGUOUS COMMUNITIES. NO DEVELOPMENT IN A SUBAREA WITHIN THE NORTH CITY FUTURE URBANIZING AREA SHALL OCCUR UNTIL THE CITY COUNCIL APPROVES A TRAFFIC ANALYSIS AND PHASING PLAN FOR THAT SUBAREA, OR DEVELOPMENT PARCEL IN THE CASE OF SUBAREA II. ANY TRAFFIC ANALYSIS AND PHASING PLAN SHALL PROVIDE MITIGATION FOR THE TRAFFIC IMPACTS ON COMMUNITIES CONTIGUOUS TO THE NORTH CITY FUTURE URBANIZING AREA CREATED BY THE DEVELOPMENT IN EACH SUBAREA, OR DEVELOPMENT PARCEL IN THE CASE OF SUBAREA II. FOR PURPOSES OF THIS SECTION 10, THE TERM "MITIGATION" SHALL MEAN THE IMPLEMENTATION OF REASONABLE MEASURES DESIGNED TO ALLEVIATE TRAFFIC IMPACTS IN A MANNER CONSISTENT WITH THE TRANSPORTATION ELEMENTS SET FORTH IN THE COMMUNITY PLANS OF THOSE CONTIGUOUS COMMUNITIES IN EFFECT ON JUNE 7, 1994, OR AS MAY BE SUBSEQUENTLY AMENDED BY THE CITY. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-nay.

ITEM-S401: TRAILED TO TUESDAY, MARCH 8, 1994

SUBJECT: A ballot measure amending Section 12 of the City Charter pertaining to filling Council vacancies. Approval of ballot language for a proposed Charter amendment relating to filling Council vacancies for the June 7, 1994 ballot.



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(Continued from the meeting of March 1, 1994, Item 331,  
Subitem A-1.) (See Item S402 for a companion item.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D291-E225.)

Motion by McCarty to go to the voters with the old way which allows the Council to make a decision in 30 days as to whether to make an appointment or to have an election. If appointed, that person would have to run again in that district's next election. No second.

Motion by Roberts to trail Items S401 and S402 to Tuesday, March 8, 1994. Second by Stevens. Passed.  
Yeas-2,3,4,5,7,8,M. Nays-1. Not present-6.

ITEM-S402: TRAILED TO TUESDAY, MARCH 8, 1994

SUBJECT: Proposed Election Ordinance Containing Two Propositions for the June 7, 1994 Ballot: 1) An amendment to the City Charter pertaining to Filling Council Vacancies; and 2) A Phase Shift Measure for the North City Future Urbanizing Area.

(Partially in the Coastal Zone. District-1.)

(Continued from the meeting of March 1, 1994, Item 331.)

Subitem-A: (O-94-76)

Introduction and adoption of an Ordinance ordering, calling, providing for and giving notice of a Special Municipal Election to be held in the City of San Diego on June 7, 1994, for the purpose of submitting to the qualified voters of the City of San Diego: 1. One proposition amending Section 12 of the City Charter of the City of San Diego pertaining to Filling Council Vacancies; 2. One proposition amending the Progress Guide and General Plan for the City of San Diego to re-designate certain parcels of land from "Future Urbanizing" to "Planned Urbanizing" in the North City Future Urbanizing Area; and Consolidating the Special Municipal Election with the Statewide Election to be held on June 7, 1994.

Subitem-B: (R-94-1229)

Requesting the consolidation of a Special Municipal Election to be held in the City of San Diego on June 7, 1994 with the Statewide Primary election to be held on the same date.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D291-E225.)

Motion by Roberts to trail Items S401 and S402 to Tuesday, March 8, 1994. Second by Stevens. Passed.  
Yeas-2,3,4,5,7,8,M. Nays-1. Not present-6.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 8:18 p.m. in honor of the memory of David H. Thompson.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E399.)